

To: The Honorable Mayor and City Council

From: Jeff Geimer, Director of Parks and Recreation

Date: October 9, 2012

RE: Cagni Park – Restrictive Covenant



RECOMMENDATION

Staff is recommending execution of the land covenant for the property located at 13110 NE 8 Avenue (folio number 06-2230-013-0040).

BACKGROUND

In 2005, the City and the School Board of Miami-Dade County entered into an Interlocal Agreement for the development of schools in North Miami. As part of this agreement, the City allowed for a portion of the new North Miami Senior High to be constructed on land that was historically developed as Cagni Park.

When the site was tested for contaminants, the soil was found to contain Arsenic concentrations that exceeded the Residential Target Cleanup Level. The source was determined to be from turf management chemicals that consisted of EPA-approved substances that were applied in accordance with state and federal law. Instead of removing the soils, a decision was made to cap the site with physical barriers that include asphalt, concrete or two feet of clean fill. In order to ensure that the soil containing Arsenic is properly managed going forward, a covenant running with the land is required.

The covenant includes an engineering control plan that describes the barriers used on site and how the location will be inspected and maintained. The covenant does allow for future development of the site as long as the Miami-Dade Department of Regulatory and Economic Resources is notified and approves the plan prior to implementation.

ATTACHMENTS

Covenant

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE EXECUTION OF A COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY, IN SUBSTANTIALLY THE ATTACHED FORM, REQUIRING ADHERENCE OF INSTITUTIONAL AND ENGINEERING CONTROLS BY THE CITY OF NORTH MIAMI AS THE FEE SIMPLE OWNER OF THE LAND SITUATED AT 13110 NE 8TH AVENUE, PURSUANT TO SECTION 24-44(2)(K), MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, in 2005, the City of North Miami (“City”) entered into an Interlocal Agreement with the Miami-Dade County School Board for the development of public schools on City property (“Property”); and

WHEREAS, soil samples on the Property were tested and found to contain arsenic concentrations resulting from turf-management chemicals, which were previously applied to areas of the Property in accordance with state and federal regulations; and

WHEREAS, the affected Property was capped using clean fill, concrete and asphalt in order to manage, monitor and minimize any exposure of the contaminant to people and structures upon the Property; and

WHEREAS, the subject Covenant Running with the Land will ensure that the necessary institutional and engineering controls on the Property will afford a continued level of protection to the environment and to the public health and safety, in accordance with applicable Miami-Dade County Code of Ordinances.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Approval of Selection of Contractor. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the execution of a Covenant Running with the Land in favor of Miami-Dade County, in substantially the attached form, requiring adherence of institutional and engineering controls by the City of North Miami as the fee simple owner of

the land situated at 13110 NE 8th Avenue, pursuant to Section 24-44(2)(k), Miami-Dade County Code of Ordinances.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of October, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)

COVENANT RUNNING WITH THE LAND IN FAVOR OF
MIAMI-DADE COUNTY, FLORIDA, REQUIRING
INSTITUTIONAL CONTROLS AND ENGINEERING
CONTROLS AT REAL PROPERTY LOCATED AT
13110 NE 8th Avenue, North Miami,
MIAMI-DADE COUNTY, FLORIDA.

The undersigned Owner, City of North Miami, holds the fee simple title to the parcel of real property legally described as set forth in Attachment A, attached hereto and incorporated herein by reference, and located at 13110 NE 8th Avenue, North Miami, Miami-Dade County, Florida, and furthermore identified for ad valorem tax purposes by all or part of Folio Number 06-2230-013-0040 (hereinafter referred to as the "Property"), hereby creates a covenant pursuant to Section 24-44 (2)(k)(ii) of Chapter 24, Code of Miami-Dade County, Florida, on behalf of the undersigned Owner, heirs, successors, grantees and assigns, running with the land to and in favor of Miami-Dade County, a political subdivision of the State of Florida (hereinafter referred to as the "County"), its successors, grantees and assigns, pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida, with respect to the Property as follows:

The undersigned Owner covenants and agrees to the following:

- A. The undersigned Owner of the Property has elected to implement institutional and engineering controls on the Property to obtain approval for a No Further Action with Conditions proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County, Florida. The institutional and engineering controls that are applicable to the Property have been initialed as set forth below. These institutional and engineering controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24, Code of Miami-

Dade County, Florida. The applicable institutional and engineering controls are set forth as follows:

1. ____ The Property shall not be used for residential purposes.
2. ____ The Property shall not be used for a children's nursery, children's day care center, children's school, children's camp, or any other similar facility.
3. ____ Groundwater from the Property shall not be used for drinking water purposes.
4. ____ Groundwater from the Property shall only be withdrawn for monitoring of pollution.
5. X Contaminated soil, as delineated in the Site Assessment Report approved 6/30/08 by the Director of the Miami-Dade Department of Environmental Resources Management, its successors or its assigns, shall not be removed from the Property without prior written approval of the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns. The Site Assessment Report is summarized in Attachment C, which is incorporated by reference.
6. ____ Other applicable institutional controls as set forth below:

7. X Engineering controls, detailed in the Engineering Control Plan dated 9/22/11 and approved by the Director of Miami-Dade Department of Environmental Resources Management, its successors or its assigns. The Engineering Control Plan is summarized in Attachment B, which is incorporated by reference.

B. Prior to the entry into a landlord-tenant relationship with respect to the Property, the undersigned Owner agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Covenant.

C. For the purpose of inspecting for compliance with the institutional and engineering controls, contained herein, the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns, shall have access to the Property at reasonable times and with reasonable notice to the Owner of the Property. In the event that the Property Owner does not or will not be able to comply with any of the institutional and engineering controls contained herein, the Property Owner shall notify in writing the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns, within three (3) calendar days.

D. This Covenant may be enforced by the Director of the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns, by permanent, temporary, prohibitory, and mandatory injunctions as well as otherwise provided for by law or ordinance.

E. The provisions of this instrument shall constitute a covenant running with the land, shall be recorded, at the Owner's expense, in the public records of Miami-Dade County and shall remain in full force and effect and be binding upon the undersigned, their heirs, legal representatives, estates, successors, grantees and assigns until a release of this Covenant is executed and recorded in the Public Records of Miami-Dade County, Florida.

F. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years after the date this Covenant is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless the Covenant is modified or released by Miami-Dade County.

G. Upon demonstration to the satisfaction of the Director of the Miami-Dade Department of Regulatory and Economic Resources, its successors, or its assigns, that the institutional and engineering controls set forth in this Covenant are no longer necessary for the purposes herein intended because the criteria set forth in Section 24-44 (2)(k)(i) of Chapter 24, Code of Miami-Dade County, Florida have been met, the Director of the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns, shall, upon written request of the Owner, release this Covenant.

H. The undersigned Owner shall notify the Director of the Miami-Dade Department of Regulatory and Economic Resources, its successors or its assigns, within thirty (30) days of any conveyance, sale, granting or transfer of the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

I. The term Owner shall include the Owner, and its heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned, being the Owner of the Property, agrees to the terms of this Covenant, hereby create same as a Covenant Running with the Land in favor of Miami-Dade County, Florida, and set their hands and seal unto this Covenant this _____ day of _____, _____.

ATTEST:

City of North Miami, a Florida municipal Corporation: "City"

By: _____

Michael A. Etienne

City Clerk

By: _____

Stephen E. Johnson

City Manager

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____

Regine M. Monestime

City Attorney

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____
day of _____, _____ by Stephen E. Johnson, as City Manager of
the City of North Miami, a Florida municipal corporation ("City"), on behalf of the City.
He is personally known to me, or has produced _____ as
identification and acknowledges that this instrument was signed for the purposes
contained herein on behalf of the City and by the authority of the City.

NOTARY PUBLIC:

Sign _____

Print _____

State of Florida at Large (Seal)

My Commission Expires: _____

JOINDER BY LESSEE

The School Board of Miami-Dade County, Florida, a body corporate and politic, existing under the laws of the State of Florida, ("School Board") and Lessee under that certain Interlocal Agreement by and between the City of North Miami, FL and the School Board, dated October 25, 2006, filed October 27, 2006, in Official Records Book 25050, Page 4315, of the Public Records of Miami-Dade County, Florida; and that certain Joint Use Agreement by and between the City of North Miami, FL and the School Board, dated October 25, 2006, filed October 31, 2006, in Official Records Book 25058, Page 3640, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Covenant Running With the Land, does hereby consent to the execution of the Covenant Running With the Land by the City of North Miami in favor of Miami-Dade County, Florida.

IN WITNESS WHEREOF, these presents have been executed this ____ of _____, 2012.

Witnesses:

**THE SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA**

BY: _____
Name: Perla Tabares Hantman
Title: Chair

Witnesses:

ATTEST:

Alberto M. Carvalho, Secretary &
Superintendent of Schools

**TO THE SCHOOL BOARD:
APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

BY: _____
School Board Attorney

Joinder by Lessee
The School Board of Miami-Dade County, Florida
Covenant Running With the Land, in favor of
Miami-Dade County, FL
Re: State School BBB-1

ACKNOWLEDGMENT

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) **SS:**

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by PERLA TABARES HANTMAN and ALBERTO M. CARVALHO, as Chair and Secretary, respectively, acting on behalf of THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a public body corporate and politic existing under the laws of the State of Florida. They personally appeared before me, and are [x] personally known to me or [] produced _____ as identification.

[NOTARY SEAL]

Notary: _____
Print Name: _____
My Commission expires: _____

ATTACHMENT A of Restrictive Covenant

LEGAL DESCRIPTION

The North One Half (N1/2) of Lots 5 and 6, of FRED C MILLER'S SUBDIVISION, lying and being in Section 30, Township 52 South, Range 42 East, Miami-Dade County, Florida according to the Plat thereof, recorded in Plat Book B at Page 21, of the Public Records of Miami-Dade County, Florida.

ATTACHMENT B OF RESTRICTIVE COVENANT

ENGINEERING CONTROL PLAN

**MIAMI DADE COUNTY PUBLIC SCHOOLS
STATE SCHOOL BBB-1**

**NE 8th Avenue and NE 135th Street,
Miami-Dade County, Florida
HWR-620/File-8881**

PREPARED FOR:

**MIAMI DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912**

PREPARED BY:

**MACTEC ENGINEERING AND CONSULTING, INC. (MACTEC)
5845 N.W. 158th Street
Miami Lakes, Florida 33014**

MACTEC Project No. 6783-06- 0887 Task 10

September 22, 2011



ATTACHMENT B OF RESTRICTIVE COVENANT

CERTIFICATION OF PROFESSIONAL ENGINEER

ENGINEERING CONTROL PLAN

PROPOSED STATE SCHOOL BBB-1

HWR-620/File-8881

N.E. 131th Street and N.E. 8th Avenue

North Miami, Miami-Dade County, Florida

MACTEC PROJECT NUMBER 6783-06-0887- Task 10

SEPTEMBER 22, 2011

All information contained in this Engineering Control Plan is to the best of my knowledge factual and represents MACTEC's understanding of conditions and circumstances at the **BBB-1 School Site** located in North Miami, Florida. The conclusions and recommendations contained in this **Engineering Control Plan** represent my best professional judgment.



Ricardo Fraxedas, P.E.
State of Florida No. 43267
Date: 9/22/11
MACTEC Engineering and Consulting, Inc.
5845 N.W. 158th Street
Miami Lakes, Florida 33014

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
MACTEC Engineering and Consulting, Inc. (MACTEC)*

*September 22, 2011
Project No. 6783-06-0887 Task 10*

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TABLE 1: SUMMARY OF SOIL ANALYTICAL RESULTS

FIGURES

FIGURE 1 SITE LOCATION MAP

FIGURE 2 SITE PLAN SHOWING ARSENIC CONCENTRATIONS AND
ENGINEERING CONTROLS

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
MACTEC Engineering and Consulting, Inc. (MACTEC)*

*September 22, 2011
Project No. 6783-06-0887 Task 10*

1.0 INTRODUCTION

Miami Dade County Public Schools (M-DCPS) constructed the northern portion of State School BBB-1 on land that was historically developed as Cagni Park. **Figure 1** shows the site location. Cagni Park contained baseball diamonds, basketball courts, tennis courts, and open fields. Arsenic concentrations exceeding the Residential Soil Target Cleanup Level of 2.1 milligram per kilogram (mg/kg) were identified in the surficial soils. The source of the arsenic was determined to be from relic turf management chemicals. The chemicals consisted of EPA-approved substances that were historically applied in accordance with state and federal law by Cagni Park maintenance personnel and are not the result of the illicit dumping. Therefore, in accordance with Miami-Dade County Code, Section 24-44(2), (c) removal of these residual soils is not required by law. However, in accordance with M-DCPS's own risk management program and in compliance with Florida Statute 1013.365, M-DCPS implemented engineering controls consisting of placement of either an impermeable pavement/concrete or 1.5 to 2 feet of clean fill to prevent direct dermal contact. This document provides information on the engineering controls and long term maintenance plan.

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
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*September 22, 2011
Project No. 6783-06-0887 Task 10*

2.0 SITE DESCRIPTION

The property is 10 acres and is legally described as Range 30 Township 54 Section 42 Fred C Millers Sub PB B-21 N1/2 of Lots 5 and 6. The tax Folio Number is # 06-2230-013-0040. The property is owned by the City of North Miami and leased by Miami Dade County Public Schools through an inter-local agreement. The address is listed as 13110 NE 8th Avenue, Miami, Florida.

Surficial soils (0-2 feet in depth) are impacted with total arsenic concentrations at greater than 2.1 mg/kg, in the northern portion of the State School BBB-1 property formerly known as Cagni Park. **Table 1** presents the arsenic concentrations recorded across the site. **Figure 2** shows the arsenic soils concentrations in the 0-2 foot interval prior to implementation of engineering controls. The area of arsenic impacted soil that is covered with engineering controls is presented in **Figure 2** and encompasses the entire former Cagni Park which is approximately 10 acres.

ATTACHMENT B OF RESTRICTIVE COVENANT

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M-DCPS State School BBB-1
MACTEC Engineering and Consulting, Inc. (MACTEC)*

*September 22, 2011
Project No. 6783-06-0887 Task 10*

3.0 ENGINEERING CONTROLS

The Engineering Controls installed for this site are physical barriers that include asphalt or concrete cover or approximately 2 feet of clean fill. The new development for the northern portion of the property is an athletic complex consisting of a football/soccer field, basketball courts, playfield/band/ROTC practice area, and a student parking lot. **Figure 2** shows the site plan. The eastern portion of the site is covered by the asphalt or concrete of the basketball courts and student parking which will provide a permanent cover. The remainder of the area requiring engineering controls is covered by clean fill of approximately 2 feet in thickness.

The engineering controls provide a barrier to direct human contact with the underlying arsenic impacted soils. These cover materials provide a physical barrier that prevents disturbance and migration of the arsenic. An inspection plan to ensure that the cover materials are adequately maintained is presented in the following section.

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
MACTEC Engineering and Consulting, Inc. (MACTEC)*

*September 22, 2011
Project No. 6783-06-0887 Task 10*

4.0 MAINTENANCE OF CONTROLS

The cover materials will be maintained in order to ensure that the engineering control barrier is not compromised. To accomplish this task, assigned M-DCPS maintenance personnel will conduct inspections on a monthly basis. During the inspections, maintenance personnel will physically walk all accessible areas with engineering controls documenting the surface conditions. During each inspection, maintenance personnel will record at a minimum the following information (if observed):

- Observance of cracks in the asphalt or other cover materials. If noted, the location of the cracks will be documented and the length of the cracks will be measured utilizing a walk wheel or similar device. The depth of the cracks will be noted and recorded. Maintenance personnel will evaluate the cracks sufficiently enough to determine the required repair method. If the cracks are in asphalt, it should be noted whether they may be sealed through the addition of blacktop surface coating or whether the cracked area will need to be cut out and patched with new asphalt.
- Evidence of any erosion of fill materials.
- Any other disturbance to the cover materials.

Based on the findings of the inspections, maintenance personnel will arrange for and proceed with repairs, as necessary to ensure the integrity of the surface covers. The repairs to the engineering controls shall be made within 24 hours of discovery and DERM shall be notified within 48 hours of the discovery and repair. These repairs will be recorded and documented. All maintenance records will be maintained at the facility for compliance purposes.

In addition to the repair of damaged portions of the asphalt, routine maintenance by occasional application of blacktop sealing material will be performed. The interval between applications of blacktop sealing material will be based upon the findings of the monthly inspections. Additionally, routine maintenance of the basketball courts and playfields will be performed.

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
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*September 22, 2011
Project No. 6783-06-0887 Task 10*

In the event of an unusual occurrence (e.g., fire, flood, structural failure, ground settlement, hurricane), the site shall have an immediate inspection by the owner or his representative to determine the status of all engineering controls. Any required repairs to the engineering controls shall be made within 24 hours of discovery and DERM shall be notified within 48 hours of the discovery and repair.

ATTACHMENT B OF RESTRICTIVE COVENANT

*Engineering Control Plan
M-DCPS State School BBB-1
MACTEC Engineering and Consulting, Inc. (MACTEC)*

*September 22, 2011
Project No. 6783-06-0887 Task 10*

5.0 FUTURE DEVELOPMENT CONSIDERATIONS

Any future planned activities that disrupt the engineering control barriers will require DERM notification and approval prior to implementation.

Attachment B of Restrictive Covenant - Engineering Control Plan

Table 1

**Summary of Soil Analytical Results
Proposed State School "BBB-1"
Miami, Florida**

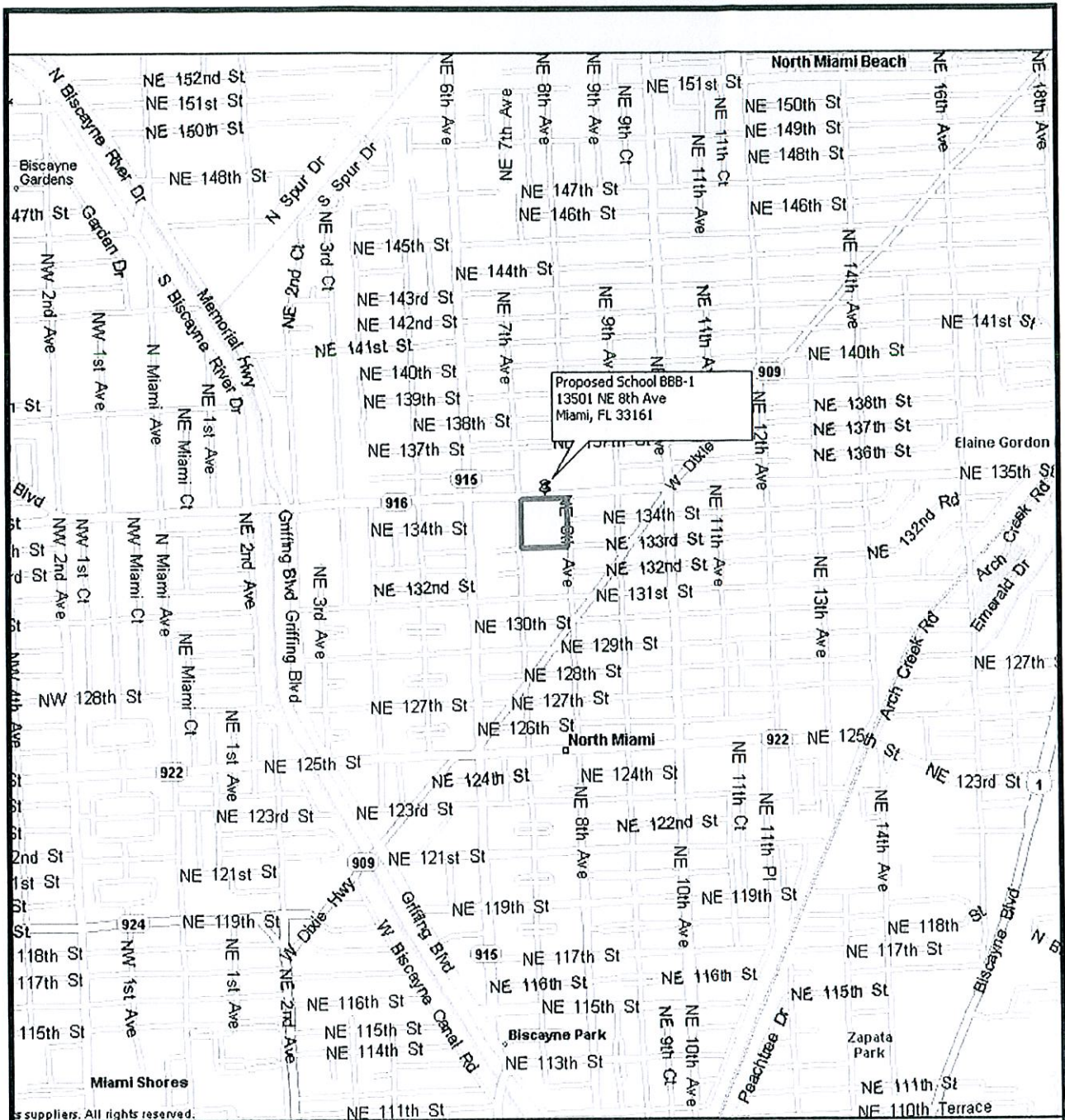
Sample Identification	Depth Interval (feet bls)	Date Sample Collected	Arsenic (mg/kg)	Comments
DP-1	4-6	2/15/06	<0.25	
DP-2	0-4	2/15/06	4.70	
DP-3	4-5	2/15/06	<0.24	
DP-4	2-4	2/15/06	<0.23	
DP-6	0-1	6/1/06	7	
DP-6	1-2	6/1/06	2.57	
DP-6	2-4	6/1/06	0.40	
DP-7	0-1	6/1/06	2.29	
DP-7	1-2	6/1/06	19.7	
DP-7	2-4	6/1/06	<0.09	
DP-8	0-1	6/1/06	9.99	
DP-8	1-2	6/1/06	16.4	
DP-8	2-4	6/1/06	1.94	
DP-9	0-1	6/1/06	8.06	
DP-9	1-2	6/1/06	6.59	
DP-9	2-4	6/1/06	<0.09	
DP-10	0-1	6/1/06	6.22	
DP-10	1-2	6/1/06	8.49	
DP-10	2-4	6/1/06	<0.09	
DP-11	0-1	6/1/06	21.2	
DP-11	1-2	6/1/06	26.7	
DP-11	2-4	6/1/06	1.19	
DP-12	0-1	6/1/06	0.75	
DP-12	2-4	6/1/06	17.7	
DP-12R (2 - 4')	DP-12R (2 - 4')	6/1/2006	3.63	
DP-12R (4 - 6')	DP-12R (4 - 6')	6/1/2006	<0.09	
DP-12N10 (0 - 2')	DP-12N10 (0 - 2')	6/1/2006	1.73	
DP-12S10 (0 - 2')	DP-12S10 (0 - 2')	6/1/2006	<0.09	
DP-12E10 (0 - 2')	DP-12E10 (0 - 2')	6/1/2006	0.7	
DP-12W10 (0 - 2')	DP-12W10 (0 - 2')	6/1/2006	1.96	
DP-13	0-1	6/1/06	3.14	
DP-13	1-2	6/1/06	4.10	
DP-13	2-4	6/1/06	0.13	
DP-14	4-6	8/1/06	0.52	
DP-15	4-6	8/1/06	<0.09	
DP-16	4-6	8/1/06	<0.09	
DP-17	4-6	8/1/06	2.66	
DP-18	0-2	8/1/06	7.41	
DP-18	2-4	8/1/06	0.54	
DP-19	0-2	8/1/06	4.87	
DP-19	2-4	8/1/06	5.60	
DP-20	0-2	8/1/06	5.96	
DP-20	2-4	8/1/06	4.95	
DP-21	0-2	8/1/06	4.34	
DP-21	2-4	8/1/06	<0.09	
DP-22	0-2	8/1/06	11.70	
DP-22	2-4	8/1/06	1.48	
DP-23	0-2	8/1/06	9.30	
DP-23	2-4	8/1/06	<0.09	
DP-24	0-2	8/1/06	10.40	
DP-24	2-4	8/1/06	0.55	
DP-25	0-2	8/1/06	3.36	
DP-25	2-4	8/1/06	2.26	
DP-26	0-2	8/1/06	5.57	
DP-26	2-4	8/1/06	0.692	
DP-27	0-2	8/1/06	253	Excavated
DP-27	2-4	8/1/06	22.3	
DP-28	0-2	8/1/06	1.570	
DP-28	2-4	8/1/06	<0.09	
DP-29	0-2	8/1/06	5.77	
DP-29	2-4	8/1/06	<0.09	
DP-30	0-2	8/1/06	4.86	
DP-30	2-4	8/1/06	7.51	
DP-31	0-2	8/1/06	<0.09	
DP-31	2-4	8/1/06	<0.09	
DP-32	0-1	9/13/06	2.18	
DP-32	1-2	9/13/06	0.29	
DP-32	2-4	9/13/06	0.11	
DP-33	0-1	9/13/06	3.85	
DP-33	1-2	9/13/06	6.64	
DP-33	2-4	9/13/06	3.03	
DP-34	0-1	9/13/06	2.48	
DP-34	1-2	9/13/06	0.91	

Attachment B of Restrictive Covenant - Engineering Control Plan

Table 1

**Summary of Soil Analytical Results
Proposed State School "BBB-1"
Miami, Florida**

DP-34	2-4	9/13/06	0.82	
Sample	Depth Interval	Date Sample	Arsenic	Comments
Identification	(feet bls)	Collected	(mg/kg)	
DP-35	0-1	9/13/06	2.19	
DP-35	1-2	9/13/06	3.03	
DP-35	2-4	9/13/06	2.75	
DP-36	0-1	9/13/06	5.46	
DP-36	1-2	9/13/06	1.88	
DP-36	2-4	9/13/06	<0.529	
DP-37	0-1	9/13/06	16.40	
DP-37	1-2	9/13/06	4.09	
DP-37	2-4	9/13/06	1.46	
DP-38	0-1	9/13/06	5.84	
DP-38	1-2	9/13/06	0.78	
DP-38	2-4	9/13/06	<0.521	
DP-39	0-1	9/13/06	1.49	
DP-39	1-2	9/13/06	1.39	
DP-39	2-4	9/13/06	2.36	
DP-40	0-1	9/13/06	2.03	
DP-40	1-2	9/13/06	0.14	
DP-40	2-4	9/13/06	<0.53	
DP-41	0-1	9/13/06	2.50	
DP-41	1-2	9/13/06	0.19	
DP-41	2-4	9/13/06	0.09	
DP-42	0-1	9/13/06	4.47	
DP-42	1-2	9/13/06	2.10	
DP-42	2-4	9/13/06	0.60	
DP-43	0-1	9/13/06	11.60	
DP-43	1-2	9/13/06	4.68	
DP-43	2-4	9/13/06	1.16	
B-1	0-2	2/28/06	0.349	
B-1	2-4	2/28/06	<0.91	
B-2	0-2	3/17/06	<.51	
B-2	2-4	3/17/06	0.187	
B-3	0-2	3/2/06	<.51	
B-3	2-4	3/2/06	<0.91	
B-4	0-2	3/2/06	0.241	
B-4	2-4	3/2/06	0.224	
B-5	0-2	3/2/06	0.561	
B-5	2-4	3/2/06	0.566	
B-6	0-2	3/17/06	0.622	
B-6	2-4	3/17/06	0.464	
B-7	0-2	3/21/06	0.194	
B-7	2-4	3/21/06	0.587	
B-12	0-2	3/20/06	3.58	
B-12	2-4	3/20/06	0.303	
B-12/6" N	0-6"	7/31/08	<1.2	
B-12/2' N	6"-2'	7/31/08	<1.2	
B-12/6" S	0-6"	7/31/08	<1.2	
B-12/2' S	6"-2'	7/31/08	<1.2	
B-14	0-2	3/17/06	0.855	
B-14	2-4	3/17/06	10.1	
B-15	0-2	3/17/06	1.94	
B-15	2-4	3/17/06	0.577	
Site Wide Composite	0-2	8/1/06	0.681	
Site Wide Composite	2-4	8/1/06	1.42	
DP-27 North 10' - North Excavation Wall	0-2	1/23/07	15.8	Hot spot source removal confirmatory samples
DP-27 North 10' - North Excavation Wall	2-4	1/23/07	0.338	
DP-27 North 10' - North Excavation Wall	4-6	1/23/07	2.79	
DP-27 East 10' - East Excavation Wall	0-2	1/23/07	19.3	
DP-27 East 10' - East Excavation Wall	2-4	1/23/07	2.65	
DP-27 East 10' - East Excavation Wall	4-6	1/23/07	1.31	
DP-27 South 25' - South Excavation Wall	0-2	1/23/07	13.7	
DP-27 South 25' - South Excavation Wall	2-4	1/23/07	0.777	
DP-27 South 25' - South Excavation Wall	4-6	1/23/07	14.1	
DP-27 West 15' - West Excavation Wall	0-2	1/23/07	15.6	
DP-27 West 15' - West Excavation Wall	2-4	1/23/07	0.811	
DP-27 West 15' - West Excavation Wall	4-6	1/23/07	8.00	
DP-27 Bottom Sample	5-6'	6/8/07	14.7	
DERM Existing SCTL Direct Exposure Residential Use			2.1	



KEY



SUBJECT PROPERTY



SOURCE: MICROSOFT STREETS & TRIPS 2005

Proposed School BBB-1

NE 135th STREET & NE 8th AVENUE
MIAMI, FLORIDA 33161

MACTEC PROJECT No.: 6783-06-0887

MACTEC

MACTEC ENGINEERING & CONSULTING, INC.
5845 N.W. 158th STREET
MIAMI LAKES, FL 33014
TEL: (305) 826-5588 / FAX: (305) 826-1799

FIGURE 1

SITE LOCATION MAP

DRAWN BY: N.A.B.

DATE: 07/21/06

CHECKED BY:

SCALE: N.T.S.

[illegible]

ATTACHMENT C - OF RESTRICTIVE COVENANT

M-DCPS State School BBB-1
AMEC Environment and Infrastructure, Inc.

January 23, 2012
Project No. 6783-06-0887 Task 10

SITE ASSESSMENT SUMMARY

STATE SCHOOL BBB-1 FORMER CAGNI PARK

MACTEC Engineering and Consulting, Inc. (MACTEC) performed a Phase I/Phase II Environmental Site Assessment (ESA), dated March 13, 2006, including NEPA Checklist review at the proposed State School "BBB-I" property located at N.E. 8th Avenue and N.E. 135th Street, North Miami, Miami-Dade County, Florida. A site location map is included as **Figure 1**. The Phase I/II ESA were performed for the Miami Dade County School Board as part of their evaluation to determine if any environmental issues existed at the site that would require remedial action prior to constructing the proposed school. Arsenic was identified as a chemical of concern in a ball field area in the former Cagni Park during the environmental assessments. Additional assessment to delineate the extent of the Arsenic impacts in the soil and groundwater was recommended.

The additional assessment for Arsenic was conducted during several field events performed over the time period from February 2006 through September 2006. Detected concentrations of Arsenic ranged from non-detectable to 253 milligrams per kilogram (mg/kg) at DP-27. Many of the samples collected within the 0-2 foot below land surface interval within the former Cagni Park exhibited levels of Arsenic above 2.1 mg/kg, the Miami Dade County Department of Environmental Resources Management (DERM) Soil Cleanup Target Level (SCTL) for Residential Direct Exposure. Several of the samples within the 2-4 foot interval collected in the former Cagni Park also exhibited levels of Arsenic above 2.1 mg/kg. The soil analytical results are presented in **Table 1**. **Figure 2** shows the soil boring locations and reported Arsenic concentrations in the 0-2 foot interval.

On August 2, 2006, AMEC installed a temporary well within the former DP-18 location for groundwater sample collection. A shallow groundwater sample was collected at a depth interval of 8 to 12 feet bls. The groundwater analytical results indicated levels of Arsenic below the Groundwater Cleanup Target Level. **Figure 2** shows the temporary well location. Reports detailing the assessment results were prepared by MACTEC and are dated August 31, 2006 and October 23, 2006.

ATTACHMENT C - OF RESTRICTIVE COVENANT

M-DCPS State School BBB-1
AMEC Environment and Infrastructure, Inc.

January 23, 2012
Project No. 6783-06-0887 Task 10

The DP-27 area was denoted as a hot spot by DERM due to the 253 mg/kg Arsenic concentration in the soil sample collected in the 0-2 foot sample interval. A hot spot source removal was proposed by MACTEC as detailed in the Source Removal Plan, dated April 4, 2007, which was approved by DERM in their letter dated May 7, 2007. The DP-27 hot spot was excavated to the limits approved by DERM which encompassed an area 25 feet wide by 35 feet long. The excavation limits were the sample points N 10', E 10' feet, S 25' and W15'. The soils were excavated to 4 feet below grade, except in the immediate area around the DP-27 hot spot which was excavated to 5 feet below grade. Approximately 167 cubic yards of soil were excavated in the hot spot area. Confirmatory soil sample results are shown in **Table 1**. A source removal report was submitted to DERM dated June 12, 2007.

Attachment C of Restrictive Covenant - Site Assessment Report Summary

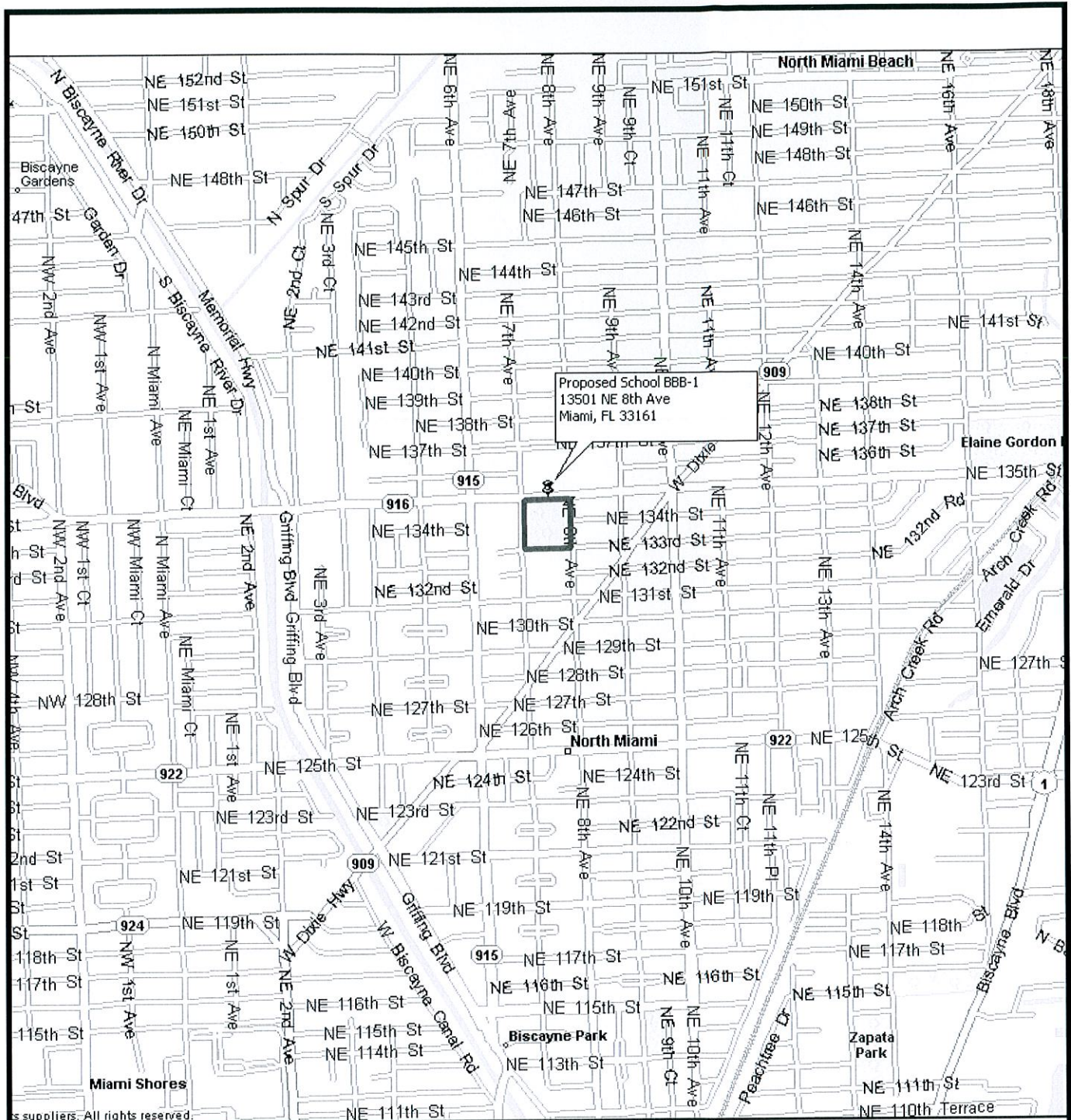
**Table 1
Summary of Soil Analytical Results
Proposed State School "BBB-1"
Miami, Florida**

Sample Identification	Depth Interval (feet b/s)	Date Sample Collected	Arsenic (mg/kg)	Comments
DP-1	4-6	2/15/06	<0.25	
DP-2	0-4	2/15/06	4.70	
DP-3	4-5	2/15/06	<0.24	
DP-4	2-4	2/15/06	<0.23	
DP-6	0-1	6/1/06	7	
DP-6	1-2	6/1/06	2.57	
DP-6	2-4	6/1/06	0.40	
DP-7	0-1	6/1/06	2.29	
DP-7	1-2	6/1/06	19.7	
DP-7	2-4	6/1/06	<0.09	
DP-8	0-1	6/1/06	9.99	
DP-8	1-2	6/1/06	16.4	
DP-8	2-4	6/1/06	1.94	
DP-9	0-1	6/1/06	8.06	
DP-9	1-2	6/1/06	6.59	
DP-9	2-4	6/1/06	<0.09	
DP-10	0-1	6/1/06	6.22	
DP-10	1-2	6/1/06	8.49	
DP-10	2-4	6/1/06	<0.09	
DP-11	0-1	6/1/06	21.2	
DP-11	1-2	6/1/06	26.7	
DP-11	2-4	6/1/06	1.19	
DP-12	0-1	6/1/06	0.75	
DP-12	2-4	6/1/06	17.7	
DP-12R (2 - 4')	DP-12R (2 - 4')	6/1/2006	3.63	
DP-12R (4 - 6')	DP-12R (4 - 6')	6/1/2006	<0.09	
DP-12N10 (0 - 2')	DP-12N10 (0 - 2')	6/1/2006	1.73	
DP-12S10 (0 - 2')	DP-12S10 (0 - 2')	6/1/2006	<0.09	
DP-12E10 (0 - 2')	DP-12E10 (0 - 2')	6/1/2006	0.7	
DP-12W10 (0 - 2')	DP-12W10 (0 - 2')	6/1/2006	1.96	
DP-13	0-1	6/1/06	3.14	
DP-13	1-2	6/1/06	4.10	
DP-13	2-4	6/1/06	0.13	
DP-14	4-6	8/1/06	0.52	
DP-15	4-6	8/1/06	<0.09	
DP-16	4-6	8/1/06	<0.09	
DP-17	4-6	8/1/06	2.66	
DP-18	0-2	8/1/06	7.41	
DP-18	2-4	8/1/06	0.54	
DP-19	0-2	8/1/06	4.87	
DP-19	2-4	8/1/06	5.60	
DP-20	0-2	8/1/06	5.96	
DP-20	2-4	8/1/06	4.95	
DP-21	0-2	8/1/06	4.34	
DP-21	2-4	8/1/06	<0.09	
DP-22	0-2	8/1/06	11.70	
DP-22	2-4	8/1/06	1.48	
DP-23	0-2	8/1/06	9.30	
DP-23	2-4	8/1/06	<0.09	
DP-24	0-2	8/1/06	10.40	
DP-24	2-4	8/1/06	0.55	
DP-25	0-2	8/1/06	3.36	
DP-25	2-4	8/1/06	2.26	
DP-26	0-2	8/1/06	5.57	
DP-26	2-4	8/1/06	0.692	
DP-27	0-2	8/1/06	253	Excavated
DP-27	2-4	8/1/06	22.3	
DP-28	0-2	8/1/06	1.570	
DP-28	2-4	8/1/06	<0.09	
DP-29	0-2	8/1/06	5.77	
DP-29	2-4	8/1/06	<0.09	
DP-30	0-2	8/1/06	4.86	
DP-30	2-4	8/1/06	7.51	
DP-31	0-2	8/1/06	<0.09	
DP-31	2-4	8/1/06	<0.09	
DP-32	0-1	9/13/06	2.18	
DP-32	1-2	9/13/06	0.29	
DP-32	2-4	9/13/06	0.11	
DP-33	0-1	9/13/06	3.85	
DP-33	1-2	9/13/06	6.64	
DP-33	2-4	9/13/06	3.03	
DP-34	0-1	9/13/06	2.48	
DP-34	1-2	9/13/06	0.91	

Attachment C of Restrictive Covenant - Site Assessment Report Summary

**Table 1
Summary of Soil Analytical Results
Proposed State School "BBB-1"
Miami, Florida**

DP-34	2-4	9/13/06	0.82	
Sample	Depth Interval	Date Sample	Arsenic	Comments
Identification	(feet b/s)	Collected	(mg/kg)	
DP-35	0-1	9/13/06	2.19	
DP-35	1-2	9/13/06	3.03	
DP-35	2-4	9/13/06	2.75	
DP-36	0-1	9/13/06	5.46	
DP-36	1-2	9/13/06	1.88	
DP-36	2-4	9/13/06	<0.529	
DP-37	0-1	9/13/06	16.40	
DP-37	1-2	9/13/06	4.09	
DP-37	2-4	9/13/06	1.46	
DP-38	0-1	9/13/06	5.84	
DP-38	1-2	9/13/06	0.78	
DP-38	2-4	9/13/06	<0.521	
DP-39	0-1	9/13/06	1.49	
DP-39	1-2	9/13/06	1.39	
DP-39	2-4	9/13/06	2.36	
DP-40	0-1	9/13/06	2.03	
DP-40	1-2	9/13/06	0.14	
DP-40	2-4	9/13/06	<0.53	
DP-41	0-1	9/13/06	2.50	
DP-41	1-2	9/13/06	0.19	
DP-41	2-4	9/13/06	0.09	
DP-42	0-1	9/13/06	4.47	
DP-42	1-2	9/13/06	2.10	
DP-42	2-4	9/13/06	0.60	
DP-43	0-1	9/13/06	11.60	
DP-43	1-2	9/13/06	4.68	
DP-43	2-4	9/13/06	1.16	
B-1	0-2	2/28/06	0.349	
B-1	2-4	2/28/06	<0.91	
B-2	0-2	3/17/06	<.51	
B-2	2-4	3/17/06	0.187	
B-3	0-2	3/2/06	<.51	
B-3	2-4	3/2/06	<0.91	
B-4	0-2	3/2/06	0.241	
B-4	2-4	3/2/06	0.224	
B-5	0-2	3/2/06	0.561	
B-5	2-4	3/2/06	0.566	
B-6	0-2	3/17/06	0.622	
B-6	2-4	3/17/06	0.464	
B-7	0-2	3/21/06	0.194	
B-7	2-4	3/21/06	0.587	
B-12	0-2	3/20/06	3.58	
B-12	2-4	3/20/06	0.303	
B-12/6" N	0-6"	7/31/08	<1.2	
B-12/2' N	6"-2'	7/31/08	<1.2	
B-12/6" S	0-6"	7/31/08	<1.2	
B-12/2' S	6"-2'	7/31/08	<1.2	
B-14	0-2	3/17/06	0.855	
B-14	2-4	3/17/06	10.1	
B-15	0-2	3/17/06	1.94	
B-15	2-4	3/17/06	0.577	
Site Wide Composite	0-2	8/1/06	0.681	
Site Wide Composite	2-4	8/1/06	1.42	
DP-27 North 10' - North Excavation Wall	0-2	1/23/07	15.8	Hot spot source removal confirmatory samples
DP-27 North 10' - North Excavation Wall	2-4	1/23/07	0.338	
DP-27 North 10' - North Excavation Wall	4-6	1/23/07	2.79	
DP-27 East 10' - East Excavation Wall	0-2	1/23/07	19.3	
DP-27 East 10' - East Excavation Wall	2-4	1/23/07	2.65	
DP-27 East 10' - East Excavation Wall	4-6	1/23/07	1.31	
DP-27 South 25' - South Excavation Wall	0-2	1/23/07	13.7	
DP-27 South 25' - South Excavation Wall	2-4	1/23/07	0.777	
DP-27 South 25' - South Excavation Wall	4-6	1/23/07	14.1	
DP-27 West 15' - West Excavation Wall	0-2	1/23/07	15.6	
DP-27 West 15' - West Excavation Wall	2-4	1/23/07	0.811	
DP-27 West 15' - West Excavation Wall	4-6	1/23/07	8.00	
DP-27 Bottom Sample	5-6'	6/8/07	14.7	
DERM Existing SCTL Direct Exposure Residential Use			2.1	



KEY



SUBJECT PROPERTY



SOURCE: MICROSOFT STREETS & TRIPS 2005

Proposed School BBB-1

NE 135th STREET & NE 8th AVENUE
MIAMI, FLORIDA 33161

MACTEC PROJECT No.: 6783-06-0887



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5845 N.W. 158th STREET
MIAMI LAKES, FL 33014
TEL: (305) 826-5588 / FAX: (305) 826-1799

FIGURE 1

SITE LOCATION MAP

DRAWN BY: N.A.B.

DATE: 07/21/06

CHECKED BY:

SCALE: N.T.S.

